UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/396,565	09/15/1999	JIN LU	PHA-23.775	7621

				EXAMINER
24737	7590	02/15/2006		MAHMOUDI, HASSAN

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ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/396,565	LU, JIN
	Examiner	Art Unit	
	Tony Mahmoudi	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 December 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-25_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,2,4,6,7,10-13,15,17,18 and 21-25_ is/are rejected.

7)☒ Claim(s) _3,5,8,9,14,16,19 and 20_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 July 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications filed on 23-December-2005, claims 1-25 are presently

pending in the application, of which, claims 1, 12 and 23-25 are presented in

independent form.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 4, 6-7, 10-13, 15, 17-18 and 21-25 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Mankovitz (U.S. Patent No. 5,949,492) in view of Zuppicich

(U.S. Patent No. 6,698,654), and further in view of Kawagishi et al (U.S. Patent No.

5,798,507.)

As to claim 1, Mankovitz teaches an apparatus for use in conjunction with a host

device having a receptacle associated therewith (see Abstract), the apparatus

comprising:

a removable card adaptable for insertion into the receptacle of the host device (see

column 15, lines 63-67, and see figure 69), the removable card including processor

(see figure 69) for running at least one application (see column 44, lines 53-66), and wherein an agent program is downloadable from the removable card to the host device (see column 45, lines 3-28), such that the agent program runs on a processor of the hose device and controls communication between the application running on the processor of the removable card and an application running on the processor of the host device (see column 46, line 59 through column 47, line 7.)

Mankovitz does not teach an application that is separate from an application of the host device.

Zuppicich teaches a method of interfacing with data storage card (see Abstract), in which he teaches the removable card including processor (see figure 6, and see column 4, lines 52-53, where "a removable card including processor" is read on "smart card") for running at least one application that is separate from an application of the host device (see column 16, lines 61 through column 17, line 8.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mankovitz to include an application that is independent of the host device.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mankovitz by the teaching of Zuppicich, because including an application that is independent of the host device, would permit the host processor to be dynamically reconfigured for the application(s) represented by the data streams in a manner which is totally independent of conventional operating systems, where one of several applications contained in the removable card

(smart card) can interface with different applications on the host device, as taught by

Zuppicich (see column 16, lines 61 through column 17, line 8.)

Mankovitz as modified, still does not teach a communication protocol is

downloadable from the removable card to the host device, where communication is

controlled through the known protocol.

Kawagishi et al teaches an IC card reader/writer (See Abstract), in which he

teaches a communication protocol is downloaded from the removable card to the host

device, where communication is controlled through the known protocol (see column

1, lines 44-54, where it is taught that the "IC card reader/writer receives a command

containing protocol information from the host device"; see column 2, lines 33-34,

where it is taught that "IC card having a plurality of different protocols"; and see

column 11, lines 64-67, where a transmitting means is taught for the IC reader/writer

to transmit initial information to the host device, based on the protocol coincidence.

The Kawagishi patent teaches the protocol being transmitted from the host to the IC

card and the card is capable of having a plurality of protocols, and can transmit

information to the host. Hence, it would be obvious for the card to transmit

(download) one of the communication protocols to the host instead of receiving one

from the host.)

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time the invention was made to have modified Mankovitz as modified, by the

teachings of Kawagishi et al, because having a communication protocol downloaded

from the removable card to the host device, where communication is controlled

through the known protocol, would enable the removable card to contain different

communication protocols, with which its data can be downloaded/transferred to the various host systems, and be able to download the protocol to a particular host system in order to manage/control communications with the host device and control the transfer of data from the removable card's memory to the host device.

As to claims 2 and 13, Mankovitz as modified teaches wherein the processor of the removable card runs a plurality of applications, and further wherein a plurality of agent programs are downloaded to the host device, one for each of the applications running on the processor of the removable card (see Mankovitz, column 3, lines 58-63.)

As to claims 4 and 15, Mankovitz as modified teaches wherein the agent program interacts with an application programming interface (API) of the host device (see Mankovitz, column 28, lines 13-48.)

As to claims 6 and 17, Mankovitz as modified teaches wherein communications between the agent program and the application running on the removable card are at least partially encrypted (see Mankovitz, column 18, lines 37-65, and see column 24, lines 22-31, where "encrypted" is read on "encoded".)

As to claims 7 and 18, Mankovitz as modified teaches wherein after insertion of the removable card into the receptacle of the host device, a command channel and a

data channel are created between the removable card and the host device (see

Mankovitz, column 50, lines 9-21.)

As to claims 10 and 21, Mankovitz as modified teaches wherein the host device

comprises a digital television receiver (see Mankovitz, column 11, lines 1-12, where

"receiver" is read on "tuner"), and the application running on the processor of the

removable card includes a processing operation for a transport stream (see

Mankovitz, column 8, lines 25-53.)

As to claims 11 and 22, Mankovitz as modified teaches wherein the processing

operation comprises a decryption operation (see Mankovitz, column 13, lines 56-59,

where "decryption" is read on "decoded".)

As to claim 12, Mankovitz teaches a method for use in conjunction with a host

device having a receptacle associated therewith (see Abstract), the method

comprising the step of:

adapting a removable card for insertion into the receptacle of the host device (see

column 15, lines 63-67, and see figure 69), the removable card including a processor

(see figure 69) for running at least one application (see column 44, lines 53-66), and

wherein an agent program is downloadable from the removable card to the host

device (see column 45, lines 3-28), such that the agent program runs on a processor of

the host device and controls communication between the application running on the

processor of the removable card and an application running on the processor of the host device (see column 46, line 59 through column 47, line 7.)

Mankovitz does not teach an application that is separate from an application of the host device.

Zuppicich teaches a method of interfacing with data storage card (see Abstract), in which he teaches the removable card including processor (see figure 6, and see column 4, lines 52-53, where "a removable card including processor" is read on "smart card") for running at least one application that is separate from an application of the host device (see column 16, lines 61 through column 17, line 8.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mankovitz to include an application that is independent of the host device.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mankovitz by the teaching of Zuppicich, because including an application that is independent of the host device, would permit the host processor to be dynamically reconfigured for the application(s) represented by the data streams in a manner which is totally independent of conventional operating systems, where one of several applications contained in the removable card (smart card) can interface with different applications on the host device, as taught by Zuppicich (see column 16, lines 61 through column 17, line 8.)

For the teaching of "a communication protocol is downloaded from the removable card to the host device, where communication is controlled through the known

protocol", the applicant is directed to the remarks and discussions made in claim 1

above.

As to claim 23, <u>Mankovitz</u> teaches an article of manufacture comprising a

machine-readable storage medium containing one or more software programs (see

column 8, lines 54-64) which when executed implement (for the remaining steps of

this claim, the applicant is kindly directed to remarks and discussions made in claims

1 and 12 above.)

As to claim 24, <u>Mankovitz</u> teaches an apparatus for use in conjunction with a

removable card (see Abstract), the apparatus comprising (for the remaining steps of

this claim, the applicant is kindly directed to remarks and discussions made in claim 1

above.)

As to claim 25, <u>Mankovitz</u> teaches a method for use in conjunction with a

removable card (see Abstract), the method comprising (for the remaining steps of this

claim, the applicant is kindly directed to remarks and discussions made in claim 12

above.)

Allowable Subject Matter

4.   Claim 3, 5, 8-9, 14, 16, and 19-20 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all of

the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed on 23-December-2005 with respect to the rejected claims
in view of the cited references have been fully considered but they either moot in
view of the objections made to claims containing allowable subject matter, or they are
not deemed persuasive:

In response to the applicant's arguments that, "neither Mankovitz, Zuppicich nor
Kawagishi teach nor suggest <u>a downloaded agent</u> including a known protocol that
controls the communication between applications using the protocol, as recited in
claim 1", the arguments have been fully considered but are not deemed persuasive.
<u>Kawagishi et al</u> clearly teaches the above in column 1, lines 44-54 of his invention:

"In order to achieve the above object, according to one aspect of the

present invention, there is provided an IC card reader/writer comprising

receiving means for *receiving a command containing protocol information*

corresponding to one of a plurality of protocols from a host device; analyzing

means for analyzing the command received by the receiving means; *setting means*

for setting a protocol for communication with an IC card according to the

protocol information contained in the command analyzed by the analyzing means;

and communication means *for communicating with the IC card based on the*

protocol set by the setting means.

In response to the applicant's arguments that, "neither reference discloses a

download agent including a known protocol", the arguments have been fully

considered but they are not deemed persuasive. In the passage cited above,

"download agent including a known protocol" is read on "receiving a command

containing protocol information", where the "download agent" is responsible for

"analyzing" and "setting" the protocol. Further, the rejected claim(s) do(es) not

clarify what exactly a "known protocol" is (e.g. known to whom, to the host?, to the

industry?, to the IC Card?, etc.) Therefore, the limitation of "containing protocol

information corresponding to one of *a plurality of protocols from a host device*"

satisfies the claim limitation because "a plurality of protocols from a host device" are

protocols which are "*known*" by the host device.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory action

is not mailed until after the end of the THREE-MONTH shortened statutory period,

then the shortened statutory period will expire on the date the advisory action is

mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from

the mailing date of the advisory action. In no event, however, will the statutory

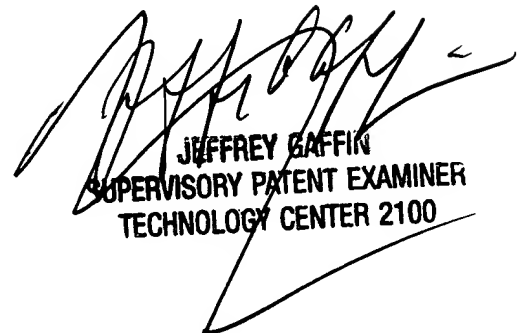period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiries concerning this communication or earlier communications from the

examiner should be directed to Tony Mahmoudi whose telephone number is (571)

272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00

am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

tm

February 7, 2006

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100